IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 1076 (M/S) of 2006

Nazir Ahmad,
S/o Sri Mohd. Yusuf Khan,
Resident of House No. 3, Asha Bhawan,
Kathgodam,
Haldwani,
District – Nainital **…….Petitioner**

Versus

1. State of Uttaranchal through Secretary, Home, Government of Uttaranchal, Dehradun.
2. District Magistrate, Nainital.

…….Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri I.P. Gairola, learned counsel for the petitioner and Sri Paresh Tripathi, learned counsel for State of Uttaranchal on behalf of respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:

I. Issue a writ, order or direction in the nature of Mandamus directing the respondents to renew the license no. 2581/G-II – Hld/2002 of Gun of the petitioner.

II. Issue a suitable writ, order or direction, which this Hon'ble Court may deem fit and proper under the circumstances of the case in favour of the petitioner.

III. Award cost of the petition in favour of the petitioner.

The facts narrated in the writ petition are that petitioner is having Gun DBBL 7930 bearing licence no. 2581 / G – II – Hld / 2002. The period of license granted to the petitioner for the

aforesaid gun was expired on 24.10.2005, consequently, petitioner deposited the amount in Treasury as required for renewal of gun license on 03.10.2005 and thereafter, approached the office of respondent no. 2 to accept the petitioner's application for renewal of gun licence along with Treasury Challan.

The office of respondent no. 2 refused to accept the application for renewal of gun licence. No order has been passed on the application by the office. Petitioner was orally informed that a case was registered against him at Police Station – Chorgalia, Haldwani, District – Nainital under section 420, 467, 468 IPC along with section 2/3 of the Gangster Act.

The submission of the petitioner is that aforesaid gun was not involved in any criminal case.

In any case, respondent no. 2 may either grant or refuse to renew the gun licence of the petitioner but respondent no. 2 is bound to accept the application.

Without going into the merit of the case, I deem it fit and proper to direct the respondent no. 2 to accept the application of the petitioner for renewal of licence and shall pass appropriate order.

With this direction the writ petition as well as interim relief application no. 10148 of 2006 is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

August 21, 2006
SKSharma,